

Application Serial No.: 09/705,486

Attorney Docket No.: 72167.000166

**REMARKS**

Claims 68-104 are pending in this application. By this amendment, claims 83 and 92 are amended and claim 104 is added. Reconsideration and allowance in view of the following remarks are respectfully requested. No new matter has been added by this amendment.

**A. The Objection and 35 U.S.C. §112 Rejection**

The Office Action objects to claim 92 asserting that the acronym "RFA" is used instead of the intended series of words it is meant to represent. Further, in the Office Action claim 92 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action asserts that regarding claim 92 the disclosure does not clearly define the acronym "RFA"; and that the acronym RFA as claimed can be interpreted in a plurality of ways including but not limited to; request for assistance, request for approval, request for authorization or any of a plurality of series of words thereby making the term RFA as claimed vague and indefinite.

The Office Action further asserts that claim 83 recites the limitation "... each builder ..." in 68; and that there is insufficient antecedent basis for this limitation in the claim.

Claims 83 and 92 have been amended in response to the asserted deficiencies. It is respectfully submitted that the claims satisfy the requirements of 35 U.S.C. §112.

**B. The Rejection Based on the Asserted Public Use/On Sale**

The Office Action rejects claims 68-103 under 35 U.S.C. 102(b) based upon an asserted public use or sale of the invention. The Office Action asserts that regarding claims 68-103 applicants Provisional Application No. 60/163,506, filed November 4, 1999, teaches a Picasso Automated Project Management System, (User Guide September 1998 Release 1, emphasis added and as shown in Figure 1 below), for managing a project's funding approval process. The

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Office Action further asserts that the User Guide teaches that the Picasso product was in public use and/or on sale one year prior to the filed provisional application ("September 1998 Release 1", the remainder of the User Guide having dates ranging from August 26, 1996 to February 12, 1997). The Office Action reflects that user guides inherently being developed and released to users of a system (product, service, etc.) as a condition of public sale and/or use.

Applicant respectfully traverses the above assertions and the rejection under 35 U.S.C. §102. Applicant submits that such indicia in the provisional patent application fails to provide any basis upon which to conclude or assert that there was activity prior to November 4, 1998 so as to constitute a public use or "on sale" barring activity under 35 U.S.C. §102. Further, Applicant respectfully submits that there was indeed no such activity prior to the November 4, 1998 date so as to constitute barring activity under 35 U.S.C. §102.

Applicant respectfully requests withdrawal of such 35 U.S.C. §102 rejection.

C. The Rejection Based on Casto under 35 U.S.C. §102

In the Office Action, claims 68-76, 78, 80-81, 83, 90-92, 97-100 and 102 are rejected under 35 U.S.C. 102(e) as being anticipated by Casto, U.S. Patent No. 6,038,547. The rejection is respectfully traversed.

The Office Action asserts that regarding claims 68-70, 75, 91, 97-100 and 102 Casto teaches a construction project management system and method comprising the coordination of work done on a project and the electronic receipt (applications for payment, invoices, requests for payments, AIAA G7021703 forms), review, approval and payment of project work completed by a plurality of vendors (contractors, subcontractors). The Office Action references the Abstract of Casto; column 2, lines 65-68; and column 3, lines 1-30.

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Applicant submits that Casto fails to teach each and every feature of claim 68. Claim 68 recites a computer implemented method for managing a project using a processing system, the method comprising establishing a database in the processing system, the processing system maintained by a project management entity; providing funding approval associated with the project, the funding approval being effected in association with a document collection associated with the project, the document collection maintained in the database; accessing the document collection in the database by a vendor; the vendor entering and submitting electronically information related to the project; and the vendor determining that approval for the project has been secured through access to the document collection.

Applicant notes in particular page 7, lines 9-11, of the Office Action. The Office Action asserts that Casto teaches the vendor determining that funding approval for the project has been secured (i.e., the project's funding has been approved) by accessing the project documents (e.g. receipt of ALA G702 - certificate of payment; Figs. 2A-2B). Applicant submits that such is a mischaracterization of the teachings of Casto.

The Office Action refers to Fig. 2A-2B of Casto in such assertions. However, Applicant notes that the disclosure of Casto does not include such Figs. 2A-2B. Casto does provide a Fig. 2. As described, Fig. 2 of Casto is a simulated copy of Form G703 of an Application and Certificate for Payment. In column 2, line 34 - column 2, line 62, Casto describes further aspects of Fig. 2. Specifically, Casto teaches actual costs are broken down in detail in terms of units of work on Form G703, as shown in FIG. 2. Casto describes various further aspects of Fig. 2. Casto teaches that Column F of FIG. 2 represents the amount of materials stored on the site that have not yet been put into place. For example, in the case of the mythical concrete company, supplies such as yet-to-be used concrete may be stored on the site and represent a future

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reimbursable expenditure for the subcontractor. Casto further explains that Fig. 2 has four work entries for concrete forms and accessories, each with some materials stored on the site, and the contractor also has four work entries for cast-in-place concrete that each have materials stored on site. Casto teaches the first part of column G of Fig. 2 represents the total value of the stored materials plus the work that has been done so far. The second part of column G includes the percentage completion of the contracted work as a whole (work plus materials). Column H includes the balance for the remaining work. Column I includes the retainage, i.e., the amount of money set aside until the contract has been completed and signed off by the architect. Casto teaches this money is held to ensure that the last of the work is completed. However, these disclosures of Casto fail to teach or suggest the claimed invention as alleged in the Office Action.

Specifically, claim 1 recites providing funding approval associated with the project, the funding approval being effected in association with a document collection associated with the project, the document collection maintained in the database; accessing the document collection in the database by a vendor; the vendor entering and submitting electronically information related to the project; and the vendor determining that funding approval for the project has been secured through access to the document collection.

Accordingly, claim 68 recites particular features relating to determining funding approval. As noted above, the Office Action proposes that Casto teaches such recitations. However, Fig. 2 and the associated text of Casto fail to set forth such features. Further, Applicant respectfully submits that the other disclosure of Casto fails to teach or suggest such features, as claimed.

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For example, in column 6, lines 13-50, Casto teaches that reviewers receive cards or reports for each area that they are to review. The reviewers inspect each region to which they are assigned and note any discrepancies on the reports or cards. A meeting may be required to resolve any discrepancies. The corrections are made by entering changed values into the system on a per work entry per region basis as necessary. The system can then generate the G702 and G703 forms to request payment. Since the information has been verified before printing, the owner may quickly authorize each application. As described above, a check may be printed or an electronic transfer may also be authorized by the system to provide greater efficiency. Applicant submits that such disclosure of Casto relates to payment and payment request. Such teaching of Casto is fundamentally different than the claimed features relating to "funding approval."

That is, Applicant appreciates that the Examiner is tasked with reading the claims under the broadest reasonable interpretation. However, Applicant submits that the interpretation set forth in the Office Action is indeed not a fair interpretation of Casto's disclosure. From a business perspective, "funding approval" is fundamentally different than "payment" to a vendor. Applicant respectfully submits that Casto's disclosure relating to payment to a vendor, as well as Casto's other disclosure, fail to teach or suggest the claimed features relating to the vendor determining the funding approval for the project, and associated access to the document collection.

Applicant respectfully submits that Casto fails to teach or suggest the features of claim 68 for at least the reasons set forth above. Further, independent claims 98-103 are allowable at least for reasons similar to those discussed above with respect to claim 68.

For example, claim 98 recites the vendor determining that approval for the project has been secured through access to the processing system; and transferring monetary funds to the

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vendor after a predetermined event has occurred, wherein the predetermined event is the completion of a portion of the construction project associated with the vendor. Accordingly, claim 98 sets forth both (1) features relating to approval of the project, and (2) features relating to transferring monetary funds to the vendor after a predetermined event has occurred, i.e., payment to the vendor. Casto, in particular, fails to teach or suggest the recited features relating to approval of the project.

The various dependent claims recite patentable subject matter at least for their various dependencies on claim 68, as well as for the additional subject matter recited in such dependent claims. Withdrawal of the 35 U.S.C. §102 rejection based on Goodale is respectfully requested.

D. The Rejection Based on Casto under 35 U.S.C. §103

In the Office Action, claims 77, 84 and 94-95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casto. This rejection is respectfully traversed.

The Office Action proposes to modify the teachings of Casto. In particular, the Office Action reflects that Casto does not expressly teach that contractors/vendors review payment confirmations via the system. However, the Office Action asserts that official notice is taken that the ability to review/confirm electronic funds transfers is old and very well known in the art wherein the confirmation of payment is an essential component for electronic funds transfers for without such confirmations the paid party would not be able to confirm receipt of the payment prior to resuming work, providing a product/service of the like. The Office Action goes on to assert that it would have been obvious to one skilled in the art at the time of the invention that the construction project management system and method, with its ability to electronically receive, review, approve and pay purchase orders (requests for funding, invoices, bills, etc.), as taught by Casto would have benefited from enabling vendors to

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confirm receipt of payment (e.g. wire fund transfer confirmation) through the system in view of official notice; the resultant system providing confirmation of the receipt of funds from the project manager (architect, client, owner, etc.) to the subcontractor.

However, Applicant respectfully submits that (in such analysis) there is a disconnect between what is either fairly taught by Casto (or alleged as official notice) vis-à-vis the proposed modifications of Casto. Specifically, the Office Action appears to propose modification of Casto so as to provide Casto with the ability to electronically receive, review, approve "requests for funding." (see the Office Action, page 14, line 3). However, it is fully unclear the teachings (or official notice) utilized to support such proposal. Casto fails to disclose features so as to teach or suggest access to funding approval for a project, i.e., so as to render obvious claim 68, and the features set forth therein.

Further, for example, the Office Action proposes to otherwise modify Casto in terms of assigning a project number, and bid processing, for example. However, even if it were obvious, which it is not admitted, such modifications to Casto would fail to cure the deficiencies as discussed above. In particular, Applicant notes that bidding processes generally take place after "funding approval."

Casto fails to fairly teach or suggest the claimed invention under 35 U.S.C. §103.

Withdrawal of the rejection is respectfully requested.

E. The Rejection Based on Casto and Schuyler under 35 U.S.C. §103

In the Office Action, claims 79,82,85-89,93,96, 101 and 103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casto and further in view of Schuyler, U.S. Patent No. 6,832,202. Applicant traverses such rejection.

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In particular, Applicant notes the Office Action on page 23 (line 11) - page 24 (line 6). The Office Action asserts that regarding claim 85, Casto does not expressly teach that the funding approval is part of a request for assistance (request for funding, application for funding/project, request for help, project bid, request for information, request for proposal, etc.) initiated (requested) by a client (user, customer, consumer, business, etc.) as claimed. The Office Action further asserts that Schuyler teaches that the funding approval (expense request, purchase request, etc.) is part of an application (request for assistance, request for approval) that is initiated by a client (column 1, lines 39-45). The Office Action concludes that it would have been obvious to one skilled in the art at the time of the invention that the construction project management system and method, with its ability to approve funding requests from vendors (contractors) for a client's construction project, as taught by Casto would have benefited from associating/identifying the request for funding approval with a client's application (request for approval, request for authorization, etc.) in view of the teachings of Schuyler; the resultant system providing a substantially automated and robust funding approval process for a client's project (Schuyler at column 1, lines 40-45).

Schuyler is directed to a method and system of routing requests for authorized approval. In the Abstract, Schuyler describes that a method and system for routing requests for authorization may comprise automatically determining approvals required for authorization of a request (72). A valid agent to provide one of the approvals required for authorization of the request (72) may be automatically determined. The requests (72) may be automatically routed to the valid agent for approval. After approval, it may be automatically determined if the approvals required for authorization of the requests (72) have been obtained.



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Further, in column 1, lines 39-55, Schuyler teaches that a need has arisen in the art for improved routing of applications for approval. Schuyler describes that the Schuyler invention provides a method and system of routing requests for authorized approval that substantially reduce or eliminate problems associated with prior systems and methods as well as improving the movement of work by automating manual tasks. Schuyler teaches a method and system for routing requests for authorized approval may comprise automatically determining approvals required for authorization of a request. A valid agent to provide one of the approvals required for authorization of the request may be determined. The requests may be automatically routed to the valid agent for approval. After approval, it may be automatically determined if the approvals required for authorization of the request have been obtained.

However, claim 68, for example, recites providing funding approval associated with the project, the funding approval being effected in association with a document collection associated with the project, the document collection maintained in the database; accessing the document collection in the database by a vendor; the vendor entering and submitting electronically information related to the project; and the vendor determining that funding approval for the project has been secured through access to the document collection. Accordingly, claim 68 recites particular manipulation of the document collection by a vendor relating to funding approval. Schuyler fails to teach such features. Rather, for example, such disclosure of Schuyler as noted above, relates to the routing of requests. Accordingly, even if Casto was somehow modified by teachings of Schuyler, (which it is not admitted to be obvious) such modification would fail to cure the deficiencies of Casto as discussed above.

Otherwise, the Office Action proposes to further modify Casto based on the teachings of Schuyler. For example, the Office Action proposes to so modify Casto in terms of notification to

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a project manager, the routing of funding approval, and providing a list of projects.

However, Applicant submits that even if it were obvious to somehow so modify the teachings of Casto, which it is not admitted to be obvious, the proposed combination of applied art would still fail to teach or suggest the features as recited in claim 68, and the other independent claims, i.e., so as to cure the deficiencies of Casto discussed above. Accordingly, it is submitted that Schuyler fails to cure the deficiencies of Casto as described above so as to teach or suggest the features of claim 68, 101 or 103.

Withdrawal of the 35 U.S.C. §103 rejection based on Casto and Schuyler is respectfully requested.

F. Conclusion

For at least the reasons outlined above, Applicant respectfully asserts that the application is in condition for allowance. Favorable reconsideration and allowance of the claims are respectfully solicited.

For any fees due in connection with filing this Response the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0206.

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Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

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